

DT03 Rec'd PCT/PTO 09 MAR 2005

PATENT Case No. 21124YP

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: David B. Olsen et al.

Serial No. 10/517,294

Filed: December 7, 2004

For: NUCLEOSIDE DERIVATIVES AS INHIBITORS OF
RNA-DEPENDENT RNA VIRAL POLYMERASE

Art Unit: TBA

Examiner: TBA

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR 1.97

Sir:

1. In compliance with 37 C.F.R. 1.97, submitted on the attached form herewith is a list of patents, publications or other information which are requested to be made of record in this application. This Information Disclosure Statement is not an admission that any patent, publication or other information referred to herein is "prior art" for this invention. In accordance with 37 C.F.R. 1.97(h), the filing of this Information Disclosure Statement shall not be construed to be an admission that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. 1.56(b).

2. In accordance with 37 C.F.R. 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made.

3. Applicants respectfully request that the Examiner initial the attached form after reviewing the pertinence of each reference.

4. Pursuant to 37 C.F.R. 1.98 (a)(2)(ii), copies of each cited U.S. patent and each U.S. patent application publication are not enclosed herewith.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the date appearing below.

MERCK & CO., INC.

By Dennis K. Bove Date 3-7-2005

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5. Pursuant to 37 C.F.R. 1.98(d), copies of references listed on the attached form that were submitted to or cited by the Office in a related application upon which the instant application relies for an earlier filing date under 35 U.S.C. 120 are not enclosed. Related application(s) in which references were submitted to or cited by the Office are as follows:

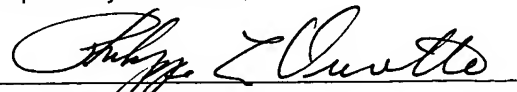
RELATED APPLICATION		
U. S. SERIAL NUMBER	FILING DATE	MERCK CASE

If this is inconvenient, additional copies will be submitted upon request.

6. In accordance with 37 C.F.R. 1.97, (check one)

- ☒ the attached information is filed within three months of the filing date of the captioned case.
- ☐ the attached information is filed more than three months after the filing date but prior to the mailing of a first Office Action on the merits.
- ☐ the attached information is being filed more than three months after the filing date and after the mailing of a first Office Action on the merits, but before the mailing date of a Final Action or Notice of Allowance. The enclosed authorization is therefore given to charge Deposit Account No. 13-2755 for the fee required under 37 C.F.R. 1.17(p).
- ☐ the undersigned certifies that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement.
- ☐ the undersigned certifies that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated under 37 C.F.R. 1.56(c) more than three months prior to the filing of this Statement.

Respectfully submitted,



By: Philippe L. Durette

Attorney _____ For Applicant(s)

Reg. No. 35,125

MERCK & CO., INC.

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Date: March 7, 2005

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STATEMENT BY APPLICANT

MAR 09 2005
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of

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Attorney Docket Number

21124YP

COMPLETE IF KNOWN**Application Number**

10/517

Filing Date

December 7, 2004

First Named Inventor

David B. Olsen, et al..

Group Art Unit

Examiner Name

Attorney Docket Number

21124YP

U.S. PATENT DOCUMENTS

[illegible]**COMPLETE IF KNOWN**

Examiner Initials*	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY
		Office	Number	Kind Code (if known)		
	9	PCT	WO02/057425		Merck & Co., Inc.	07/25/2002
	10	PCT	WO02/32920		Pharmasset Limited	04/25/2002
	11	PCT	WO03/093290		Genelabs Technologies, Inc.	11/13/2003
	12	PCT	WO02/057287		Merck & Co., Inc.	07/25/2002
	13	PCT	WO01/92282		Novirio Pharmaceuticals Limited	12/06/2001
	14	PCT	WO01/90121		Novirio Pharmaceuticals Limited	11/29/2001
	15	PCT	WO03/051899		Ribapharm Inc.	06/26/2003
	26	PCT	WO03/062255		Ribapharm Inc.	07/31/2003
	17	PCT	WO03/062256		Ribapharm Inc.	07/31/2003
	18	PCT	WO2004/065398		Ribapharm Inc.	08/05/2004

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Filing Date	December 7, 2004
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Examiner Initials*	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY
		Office	Number	Kind Code (if known)		
	19	PCT	WO2004/028481		Genelabs Technologies, Inc.	04/08/2004
	20	PCT	WO2004/002999		Idenix (Cayman) Limited	01/08/2004
	21	PCT	WO2004/002422		Idenix (Cayman) Limited	01/08/2004
	22	PCT	WO2004/046331		Idenix (Cayman) Limited	06/03/2004

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Application Number	10/517,504
Filing Date	December 7, 2004
First Named Inventor	David B. Olsen, et al.
Group Art Unit	
Examiner Name	
Attorney Docket Number	21124YP

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Attorney Docket Number 21124YP

Examiner
Initials*Cite
No.

Include name of the author, title, date, page(s), volume-issue number(s) and place of publication.

23

Anne B. Eldrup et al., "Structure-Activity Relationship of Heterobase-Modified 2'-C-Methyl Ribonucleosides as Inhibitors of Hepatitis C Virus RNA Replication", J. Med. Chem., Vol. 47, pp. 5284-5297 (2004)

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Anne B. Eldrup et al., "Structure-Activity Relationship of Purine Ribonucleosides for Inhibition of Hepatitis C Virus RNA-Dependent RNA Polymerase", *J. Med. Chem.*, Vol. 47, pp. 2283-2295 (2004)

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David B. Olsen et al., "A 7-Deaza-Adenosine Analog is a Potent and Selective Inhibitor of Hepatitis C Virus Replication with Excellent Pharmacokinetic Properties", *Antimicrobial Agents and Chemotherapy*, Vol. 48, No. 10, pp. 3944-3953 (2004)

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Per Hoffmann et. al., "Recent Patents on Experimental Therapy for Hepatitis C Virus Infection", Expert Opin. Ther. Patents, Vol. 13(11), pp. 1707-1723, (2003)

27

Volker Brass et al., "Recent Developments in Target Identification against Hepatitis C Virus", *Expert Opin. Ther. Targets*, Vol. 8(4), pp. 295-307, (2004)

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*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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